

## Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 DHA-02 TRSE-00 SSO-00 NSCE-00  
USIE-00 INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07  
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
EB-07 OMB-01 AID-05 ARAE-00 IO-13 EPG-02 STR-04  
CEA-01 COME-00 /089 W

-----071649Z 100031 /46

O 071520Z JUN 77

FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC IMMEDIATE 1944

C O N F I D E N T I A L SECTION 1 OF 2 BOGOTA 5282

E.O. 11652: GDS

TAGS: SHUM, CO, US

SUBJECT: HUMAN RIGHTS ACTION PLAN FOR COLOMBIA

REF: (A) DAVID COX LETTER OF MAY 20, 1977, TO CHARGE DREXLER  
(B) SAN JOSE 1164, (C) BOGOTA 1850, (D) BOGOTA A-37,  
MAR 24, 1976

### A. CONDITION OF HUMAN RIGHTS IN COLOMBIA

1. COLOMBIA IS KNOWNFOR ITS HISTORIC RESPECT FOR THE INTEGRITY  
OF THE PERSON AND FOR CIVIL AND POLITICAL LIBERTIES. CIVIL  
RIGHTS AND SOCIAL GURANTEES SUCH AS FREEDOM OF SPEECH, MOVE-  
MENT, ASSEMBLY, RELIGION, PRESS, VOTE, AND DUE PROCESS ARE  
CONSTITUTIONALLY PROTECTED. THE CONSTITUTION ALSO SETS FORTH  
SUCH CONCEPTS AS THE TRIGHT TO STRIKE, AND THE RESPONSIBLIITY  
OF THE STATE FOR SOCIAL WELFARE, AMONG OTHER. THE CONSTITU-  
TION PERMITS THE PRESIDENTIAL DECLARATION OF A STATE OF SIEGE  
IN CASE OF WAR OR INTERNAL COMMOTION. ALTHOUGH PRESI-  
DENT LOPEZ IMPOSED A STATE OF SIEGE IN OCTOBER 1976,  
WHICH CONTINUES TODAY, HE HAS NOT ABUSED HIS INCREASED  
POWERS. BASIC RIGHTS AND SOCIAL GUARANTEES REMAIN  
IN EFFECT. IN PRACTICE, THE GOC HAS AN ADMIRABLE  
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HUMAN RIGHT RECORD. VIOLATIONS OCCUR ONLY INFREQUENTLY.  
AS ISOLATED INCIDENTS, AND ARE NOT THE INTENTIONAL  
RESULT OF ANY GOC POLICY.

2. SOME INFREQUENT VIOLATIONS OF HUMAN RIGHTS HAVE BEEN  
ATTRIBUTED TO THE GOC'S EFFORTS TO COMBAT A SERIOUS INTERNAL  
SECURITY PROBLEM WHICH INCLUDES COMMON CRIMINAL ACTS AND

ATTACKS BY LEFTIST GUERRILLA GROUPS. THE GOC, HOWEVER, DOES NOT USE INTERNAL SECURITY AS A PRETEXT FOR ANY SYSTEMATIC VIOLATION OF RIGHTS, AND HAS GENERALLY COOPERATED WITH INDEPENDENT, EXTRA-NATIONAL ORGANIZATIONS INVESTIGATING ALLEGED RIGHTS VIOLATIONS. THE MOST RECENT CHARGE IN THIS REGARD WAS AGAINST MILITARY AUTHORITIES WHO HAD ALLEGEDLY MISTREATED SEVERAL CLERICS ARRESTED IN NOVEMBER OF 1976, IN CONNECTION WITH A SUBVERSIVE GROUP (REF C). THE COMPLAINT BY THE CLERICS (WHO HAVE BEEN RELEASED TO ECCLESIASTICAL AUTHORITIES) IS BEING INVESTIGATED AND APPEARS TO BE MINOR.

3. COLOMBIA'S ECONOMIC SITUATION, OF COURSE, HAS MUCH TO DO WITH THE HUMAN RIGHTS-RELATED PROBLEMS WHICH DO EXIST, SUCH AS THE DISPARITY OF WEALTH, OFFICIAL CORRUPTION, AND INSTITUTIONAL WEAKNESSES, AND THE GOVERNMENT HAS SOUGHT ECONOMIC AND INSTITUTIONAL REFORMS TO CORRECT IMBALANCE. FOR EXAMPLE, WHEN THE PRESENT ADMINISTRATION FOUND PROGRESS IN RURAL EDUCATION TO BE LAGGING SERIOUSLY BEHIND THAT IN THE CITIES, IT UNDERTOOK A LARGE-SCALE RURAL EDUCATION PROGRAM. OTHER GOVERNMENT PROGRAMS DIRECTED TOWARD COLOMBIA'S POOREST CITIZENS HAVE MADE SOME PROGRESS, BUT ARE OFTEN PLAGUED BY IMPLEMENTATION PROBLEMS AND, RECENTLY, BY MOUNTING INFLATION. MANY SUCH PROGRAMS ARE INCLUDED IN THE RURAL INTEGRATED DEVELOPMENT PROGRAM AND THE NATIONAL NUTRITION PROGRAM, FOR WHICH EXTERNAL CREDITS TOTALLING \$122 MILLION HAVE BEEN OBTAINED.

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4. PERHAPS THE BOLDEST DISTRIBUTIVE PROGRAM IN RECENT YEARS WAS THE PRESENT ADMINISTRATION'S AGGRESSIVE AND COMPREHENSIVE TAX REFORM, WHICH RESULTED IN A 50PCT INCREASE IN DIRECT TAX REVENUES EVEN THOUGH THE MAJORITY OF THE PEOPLE PAID LESS IN DIRECT TAXES. IN THE PAST, POOR TAX COLLECTIONS MEANT INCREASED FOREIGN DEBT AND GOVERNMENT FUNDING BY EMISSION (I.E., FINANCING BY INFLATION), WHICH MOST NEGATIVELY AFFECTS THE POOR. IT SHOULD BE NOTED THAT A 1975 WORLD BANK-SPONSORED STUDY ("INCOME DISTRIBUTION AND GROWTH") SHOWED COLOMBIA TO BE ONE OF ONLY A FEW NATIONS EXAMINED IN WHICH THE INCOME OF THE POOREST 40PCT OF THE CITIZENS GREW MORE RAPIDLY THAN NATIONAL INCOME ON A WHOLE, PRESUMABLY AS A DIRECT RESULT OF GOVERNMENT POLICIES.

5. AS FOR CORRUPTION, A SERIOUS PROBLEM HERE, AS IN MOST DEVELOPING STATES, THE STRENGTHENING OF COUNTERVAILING INSTITUTIONS SEEMS TO BE CONTINGENT UPON THE GRADUAL OVERALL DEVELOPMENT OF THE NATION, ESPECIALLY IN

ECONOMIC MATTERS. THOUGH DIFFICULT TO JUDGE, THE CORRUPTION APPEARS TO BE WIDESPREAD, AND DOES NOT DIVERT TOWARD AN ELITE SIGNIFICANT RESOURCES WHICH WOULD OTHERWISE BENEFIT THE MAJORITY OF THE POPULATION.

6. INSTITUTIONAL WEAKNESSES ARE THE BASIC CAUSE FOR MOST OF THE SERIOUS DELAYS IN IMPORTANT LOCAL ADMINISTRATIVE FUNCTIONS, ESPECIALLY WITH REGARD TO JUDICIAL PROCEDURE. OF PRIMARY CONCERN TO US IS THE LENGTHY DETENTION OF U.S. CITIZENS, FREQUENTLY FOR DRUG-RELATED ACTIVITIES, BY JUDICIAL AUTHORITIES. THIS IS IN PART DUE TO COLOMBIAN

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PROCEDURE IN WHICH, DIFFERENT FROM ANGLO-SAXON LAW, THE JUDGE ALSO ACTS AS INVESTIGATOR AND GATHERS EVIDENCE DURING THE DETENTION PERIOD. THUS, WHEN THE PRISONER APPEARS BEFORE THE JUDGE, THE LATTER HAS ALREADY COMPILED AND WEIGHED THE EVIDENCE AND IS PREPARED TO RENDER HIS VERDICT.

#### B. ANALYSIS AND RECOMMENDATIONS

1. COLOMBIA'S MAJOR HUMAN RIGHTS PROBLEMS, NOTED IN PARAGRAPHS 3 AND 5, ARE PRIMARILY THE RESULT OF THE STATE OF ITS SOCIAL AND ECONOMIC DEVELOPMENT, THE GOC IS AWARE OF THESE PROBLEMS AND HAS PERIODICALLY SOUGHT REFORMS TO CORRECT THE SYSTEM'S INEQUITIES. OWING TO THE NATURE OF THESE PROBLEMS, INTERNATIONAL ECONOMIC ASSISTANCE IN THE FORM OF EXPANDED TRADE OPPORTUNITIES, ESPECIALLY WITH THE U.S., WOULD SEEM TO PROVIDE BEST FOR THE DEVELOPMENTAL

ENVIRONMENT NECESSARY TO ARRIVE AT THE DESIRED SOLUTIONS.  
THOSE GOC ECONOMIC POLICIES WHICH ALREADY CONTRIBUTE TO  
THESE SOLUTIONS SHOULD BE ENCOURAGED THROUGH MULTILATERAL  
INSTITUTIONS AND IN OUR BILATERAL RELATIONS. REGARDING  
THE DEFICIENCY OF LOCAL INSTITUTIONS INVOLVING THE ADMINISTRA-  
TION OF JUSTICE FOR U.S. CITIZENS, HIGH-LEVEL DIPLO-  
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MATIC REPRESENTATIONS BY THE EMBASSY AND THE DEPARTMENT  
WOULD HAVE THE MOST BENEFICIAL IMMEDIATE EFFECT. IT  
SHOULD BE REMEMBERED, HOWEVER, THAT SUCH REPRESENTATIONS  
WOULD BE MADE TO THE GOC'S EXECUTIVE BRANCH WHICH IIN  
TURN MUST DEAL WITH AN INDEPENDENT JUDICIARY.  
2,3,4. THE GENERAL COLOMBIAN REACTION EXPRESSED SO FAR TO  
THE NEW US HUMAN RIGHTS POLICIES HAS BEEN FAVORABLE.  
SINCE MOST COLOMBIANS DO NOT CONSIDER HUMAN RIGHTS TO BE  
A MAJOR PROBLEM HERE, HOWEVER, IT IS NOT AN IMPORTANT  
LOCAL ISSUE. PRESIDENT LOPEZ, DURING A RECENT TRIP TO  
COSTA RICA (REF.B), EXPRESSED HIS SUPPORT FOR THE US  
INTERNATIONAL INITIATIVE, WHILE CAUTIONING AGAINST  
FOREIGN INTERFERENCE IN THE INTERNAL AFFAIRS OF SOVEREIGN  
STATES AND URGING UNITED NATIONS, RATHER THAN UNILATERAL,  
EFFORTS IN FAVOR OF HUMAN RIGHTS. THE GOC COULD PROBABLY  
BE RELIED UPON TO SUPPORT RATHER THAN INITIATE ANY SUCH  
INTERNATIONAL EFFORTS.  
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## Message Attributes

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